IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO.178 OF 2006

Dr.Premkumar, son of C.P.Nanda ...Applicant

Versus

Mr.Netra-Prakash K.Bhog ...Respondent

.....

Mr.V.G.Mujumdar for Applicant.

None for Respondent.

.....

CORAM: A.M.KHANWILKAR, J.

JANUARY 22, 2007.

P.C.

1. I find no reason to interfere with the ultimate order passed by the lower Court rejecting the Application preferred by the Applicant for rejection of the Suit in exercise of Order VII Rule 11 of the Code of Civil Procedure. The Court has rightly observed that the defect was curable one at a later stage as well. In other words, the Trial Court was conscious of the fact that in future, if the issue was to be answered against the Plaintiff, the Plaintiff would be required to pay appropriate

Court fee, having regard to the subject matter of the Suit. It is not a case where Court before which the Suit is filed cannot proceed with the Suit on account of pecuniary jurisdiction. In the circumstances, no reason to interfere with the interlocutory order passed. Rejected.

A.M.KHANWILKAR, J.